

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

UNITED STATES OF AMERICA
Plaintiff

v.

CRIMINAL NO. 99-322-02(PG)

JOSE DELESTRE-REYES
Defendant

STIPULATION REGARDING MODIFICATION OF SENTENCE

TO THE HONORABLE COURT:

IT IS HEREBY STIPULATED and AGREED, by and between the parties acting through their undersigned counsel that:

1. Defendant has submitted a request for modification of his sentence pursuant to Title 18, United States Code, Section 3582(c)(2).

2. Defendant's original guideline calculation was as follows:

Total Offense Level	29
Criminal History Category	IV
121 to 151 months of imprisonment	
At least 4 years of supervised release	
\$15,000.00 - \$2,000,000.00 in fine.	

3. Defendant was sentenced on February 13, 2003 to 121 months imprisonment.

4. Defendant is eligible for a modification of his sentence pursuant to 18, United States Code, Section 3582(c) and U.S.S.G. §1B.10(c), Amendment 706 of the United States Sentencing Commission Guidelines Manual.

5. Defendant's revised guideline calculations is as follows:

Total Offense Level	27
Criminal History Category	IV

100 to 125 months of imprisonment

At least 4 years of supervised release

\$12,5000.00 - \$2,000,000.00 in fine.

6. Based upon the foregoing, the parties hereby stipulate a sentence of 100 months incarceration is appropriate in this matter.

7. Defendant stipulates that he waives and does not request a hearing in this matter pursuant to Fed.R. Crim. P. 43, 18, United States Code, Section 3582(c)(2); United States v. Booker, 543 U.S. 220 (2005) and Kimbrough v. United States, 2007 WL 4292040 (U.S. 2007).


8. Accordingly, the parties agree and stipulate that an amended judgment may be entered by the Court in accordance with this stipulation pursuant to Title 18, United States Code, Section 3582(c) and U.S.S.G. §1B.10(c), Amendment 706 of the United States Sentencing Commission Guidelines.

Respectfully submitted in San Juan, Puerto Rico, this 4th day of April 2008.

JOSEPH LAWS
United States Federal Public Defender

s/Héctor Ramos
Assistant Federal Public Defender

ROSA EMILIA RODRIGUEZ VELEZ
United States Attorney


s/José A. Ruiz
Assistant United States Attorney
Chief, Criminal Division

/s/ Jeanette Mercado Ríos
Assistant United States Attorney
Chief, Narcotics Unit

/s/ Courtney L. Coker
Assistant United States Attorney